

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERNEST JORD GUARDADO,

Petitioner,

vs.

E. K. McDANIEL, *et al.*,

Respondents.

3: 10-cv-00079-RCJ-VPC

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On April 30, 2010, the court entered an order granting petitioner's motion for a stay of this case pending resolution of his motion to withdraw his guilty plea in state court. (Docket #6.) On September 1, 2010, petitioner filed a motion to lift the stay, stating that his state court proceedings are completed. (Docket #9.)

**IT IS THEREFORE ORDERED** that petitioner's motion to lift the stay in this action is **GRANTED**. (Docket #9.)

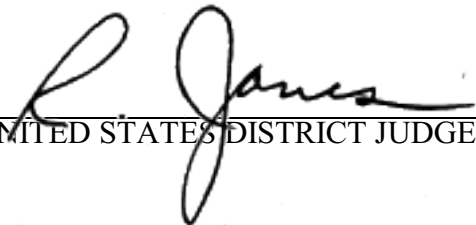
**IT IS FURTHER ORDERED** that the Clerk **SHALL ELECTRONICALLY SERVE** the petition for writ of habeas on respondents. (Docket #7.)

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as

1 any claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise  
2 all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and  
3 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,  
4 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
5 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have  
6 **forty-five (45) days** from the date of service of the answer to file a reply.

7 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the  
8 Attorney General of the State of Nevada a copy of every pleading, motion, or other document he  
9 submits for consideration by the court. Petitioner shall include with the original paper submitted for  
10 filing a certificate stating the date that a true and correct copy of the document was mailed to the  
11 Attorney General. The court may disregard any paper that does not include a certificate of service.  
12 After respondents appear in this action, petitioner shall make such service upon the particular Deputy  
13 Attorney General assigned to the case.

14 DATED this 19<sup>TH</sup> day of October, 2010.

15  
16   
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26